

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR

ORDER

Pradeep Sharma & Ors. Vs. State of Rajasthan & Anr.

S.B.CR. MISC. PETITION NO.1606/2007

DATE OF ORDER :: October 23, 2007

PRESENT

HON'BLE MR.JUSTICE H.R.PANWAR

Mr.Deepak Menaria, for the petitioners.
Mr.Ashok Upadhyaya, P.P. for the State.
Mr.Sabir Khan, for respondent No.2.

BY THE COURT:

Mr. Pradeep Sharma, petitioner No.1 Smt. Sangita
respondent No.2 are present in Court.

By the instant Cr. Misc. Petition under section 482 Cr.P.C.,
the petitioners seek quashing of criminal proceedings in regular
criminal case No.1013/2004, State Vs. Pradeep Sharma and Ors.
pending before the Court of Additional Chief Judicial Magistrate
No.2, Udaipur (for short 'the trial court' hereinafter) for the
offences under sections 498-A and 406 I.P.C. as also section 4 of
Dowry Prohibition Act.

I have heard learned counsel for the parties as also the parties present in person.

The facts giving rise to the instant petition are that respondent No.2 Smt. Sangita married to petitioner No.1 Pradeep Shamra. However, during their marital life, there had been some differences and it was alleged that the petitioners harassed and subjected the respondent No.2 to cruelty and misappropriated her "Stridhan". On the report lodged by respondent No.2, the police investigated the matter and filed the challan against the petitioners. During trial of the case, the parties have amicably settled their dispute and moved before the trial court seeking compounding the offences. The trial court declined to accept the compromise on the ground that the offences are not compoundable under section 320 Cr.P.C. Hence, this petition.

Before this Court, a compromise has been filed by respondent No.2 stating therein that she has settled the dispute amicably and the misunderstanding between the parties has been cleared and she has been living with her husband and parents-in-law peacefully. The couple has two sons and, therefore, she does not want to prosecute and seeks quashing of the proceedings. The compromise has been verified by the

Registrar Administration. Respondent No.2 has been identified by her counsel Mr. Sabir Khan. The compromise is supported by affidavit of the parties. Since the parties have resolved their dispute and respondent No.2 is now living with her husband peacefully at her in-laws house, no useful purpose will be served in allowing the proceedings to continue any more. No evidence is likely to come against the petitioners. Respondent No.2 clearly stated that she does not want to prosecute and make any statement against her husband and parents-in-law.

In *B.S.Joshi & Ors. vs. State of Haryana & Anr.*, **2003 SCC (Cri.) 848**, the Hon'ble Supreme Court held that if for the purpose of securing the ends of justice, quashing of FIR becomes necessary, Section 320 Cr.P.C. would not be a bar to the exercise of power of quashing the FIR. The Apex Court further observed that the High Court, in exercise of its inherent powers can quash criminal proceedings or FIR or complaint and Section 320 Cr.P.C. does not limit or affect the powers under section 482 Cr.P.C. It was further held that non-exercise of inherent power to quash the proceedings to meet the ends of justice would prevent women from setting earlier and that is not the object of Chapter XX-A of the IPC.

Keeping in view the aforesaid decision, in my view no

useful purpose will be served in allowing the proceeding to continue.

In the result, the criminal misc. petition is allowed. The criminal proceeding in criminal regular case No.1013/2004, State vs. Pradeep Sharma & Ors. pending before the Court of Addl. Chief Judicial Magistrate No.2, Udaipur is hereby quashed.

[H.R.PANWAR],J.

m.asif/-